



STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE  
BOARD OF NURSING

IN THE MATTER OF THE  
LICENSE OF

**NICOLE C. SABATINO, L.P.N.**  
**License # 26NP04953000**

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

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Administrative Action

**FINAL ORDER  
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Nicole C. Sabatino ("Respondent") is a licensed practical nurse in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about April 5, 2010, Respondent completed and submitted an online biennial license renewal for the period of June 1, 2010 through May 31, 2012. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2010," referring to the biennial renewal period of June 1, 2008 through May 31, 2010. Respondent answered "yes" to the question, and certified that answer to be true by submitting the online application.

3. On or about October 28, 2011, the Board sent Respondent a Demand for Written Statement Under Oath (Demand) requesting information from Respondent. The

Demand requested that Respondent provide answers to ten questions, including a question which asked if she had completed the required continuing education courses, and requested that she provide proof of successful completion of all credits earned during the renewal period of June 1, 2008 through May 31, 2010.

4. As to the question concerning continuing education, Respondent submitted documentation indicating that she completed twenty hours of continuing education in the biennial period of June 1, 2010 to May 31, 2012 . Respondent failed to submit documentation indicating that the courses she attended during the June 1, 2008 to May 31, 2010 biennial period were accredited as continuing education.

#### **CONCLUSIONS OF LAW**

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required thirty hours of continuing education for the biennial period of June 1, 2008 through May 31, 2010. The Board finds Respondent in violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2010 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 8, 2013, provisionally suspending respondent's nursing license, and imposing reprimand and a \$250.00 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order, and documented completion of at least 81.25 hours of continuing education since July of 2008. However, respondent did not demonstrate completion of thirty (30) hours of eligible continuing education during the time period of June 1, 2008 through May 31, 2010. The Board found, however, that suspension was no longer applicable, since respondent had demonstrated (belatedly) satisfaction of continuing education requirements sufficient both for the 2008-2010 renewal period and the 2010-2012 renewal period. However, the Board determined that as respondent had not demonstrated timely completion of continuing education requirements for the 2008-2010

renewal period, finalization of the Provisional Order imposing the reprimand and monetary penalty was appropriate.

ACCORDINGLY, IT IS on this 19<sup>th</sup> day of March, 2013,

**ORDERED that:**

1. Respondent is reprimanded for her violation of N.J.S.A. 45:1-21 (b) by misrepresentation on the 2010 renewal application.

3. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed upon Respondent for her violation of N.J.S.A. 45:1-21(e) and (h). Payment shall be made by certified check or money order payable to [ ] State of New Jersey, delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD APN  
Patricia Murphy, PhD, APN  
Board President